

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-4, 6-9, and 11-13 are pending in this application. Apparatus Claims 1 and 11 have been amended to incorporate the subject matter of apparatus Claim 5, method Claim 6 has been amended to incorporate the subject matter of method Claim 10, and the subject matter of original Claims 4 and 9 has been presented in independent form as new Claims 12 and 13, all without the introduction of any new matter.

The outstanding Office Action presents a rejection of Claims 1-4, 6-9 and 11 under 35 U.S.C. §102(e) as being anticipated by Kaiser et al. (U.S. Patent No. 6,188,717, Kaiser).

Applicants gratefully acknowledge the indication that Claims 5 and 10 are only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

As Claim 1 has been amended to include the subject matter of Claim 5 to effectively rewrite Claim 5 in independent form and as Claim 6 has been amended to include the subject matter of Claim 10 to effectively rewrite Claim 10 in independent form, along with the cancellations of Claims 5 and 10, it is believed that Claims 1 and 6 should now be considered to be allowable.

Similarly, as independent Claim 11 has been amended to include the subject matter of Claim 5 that has been indicated to be allowable and as this claim also includes the subject matter of Claim 1 in addition to other subject matter, it is believed that Claim 11 should also now be considered to be allowable.

Furthermore, as Claims 2-4 depend on Claim 1 and Claims 7-9 depend on Claim 10, it is believed that these dependent claims should also be considered to be allowable.

Turning to the rejection of Claims 1-4, 6-9 and 11 as being anticipated by Kaiser, it is noted that this rejection is believed to be moot as each of these rejected claims includes the allowable subject matter noted as to Claims 5 and 10 in the outstanding Action. Accordingly, withdrawal of this rejection is believed to be in order.

With respect to new Claims 12 and 13, it is noted that Claim 12 corresponds essentially to Claim 4 rewritten in independent form and Claim 13 corresponds essentially to Claim 9 rewritten in independent form. However, each of new Claims 12 and 13 is believed to patentably define over the reasonable teachings and fair suggestions to be found in Kaiser as fully discussed below.

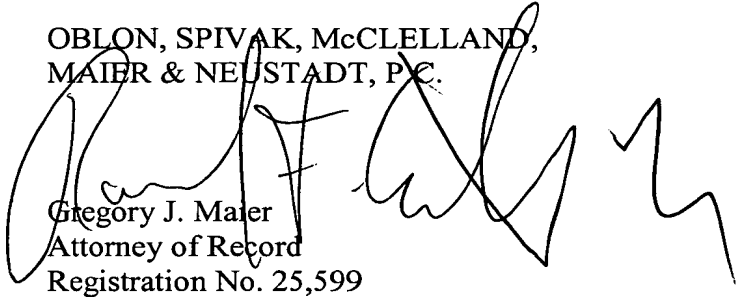
Turning first to apparatus Claim 12 and method Claim 14, it is noted that each of these claims requires, *inter alia*, that the spread signal rearrangement unit (Claim 12) or step (Claim 13) must result in “the group of two-dimensionally arranged signals [being] divided into a plurality of partial arrays and the partial arrays [being] rearranged within an OFD signal in a random pattern (emphasis added). Clearly, there is no reasonable teaching or suggestion of dividing any group of two-dimensionally arranged signals into the claimed plurality of partial arrays, with these partial arrays then being rearranged within an OFD signal in a random pattern to be found in the description of Kaiser as to the formation of the pseudo random OFDM symbols noted as to the scrambling of frequency and time by interleaver 5 as discussed at col. 5, lines 58-65 of Kaiser.

Accordingly, as Kaiser does not reasonably teach or suggest all of the subject matter of independent Claims 12 and 13, no *prima facie* case of unpatentability has or can be established to deny the patentability of these claims based upon the reasonable teaching and fair suggestions of Kaiser.

As no further issues are believed to be outstanding relative to this application, it is respectfully submitted that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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